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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,678	01/12/2001	Hisayoshi Fujimoto	KIX0129-PCT	5747
28970	7590	03/21/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN LLP			COLILLA, DANIEL JAMES	
1650 TYSONS BOULEVARD			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			2854	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/743,678

Applicant(s)

FUJIMOTO ET AL.

Examiner

Daniel J. Colilla

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/12/01, 12/16/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,947,184 in view of Yamamoto *et al.* (JP 5-344261).

Claim 4 of U.S. Patent No. 6,947,184 recites all the claimed structure except for the machine housing mounted on a substantially vertical wall surface. Specifically, the portion of the substrate on which the printing elements are mounted and is avoided by the case, as recited by U.S. Patent No. 6,947,184, is considered to be equivalent structure to the excess surface on which the printing elements are arranged as recited in claim 1 of the present application.

Yamamoto *et al.* teaches mounting an image processing apparatus on a vertical wall as shown in Figure 1 of Yamamoto *et al.* It would have been obvious to combine the teaching of Yamamoto

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et al. with the image processing apparatus disclosed by claim 4 of U.S. Patent No. 6,947,184 for the advantage of saving desk space or floor space by mounting the apparatus on a wall.

3. Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,952,273 in view of Yamamoto *et al.* (JP 5-344261).

Claim 6 of U.S. Patent No. 6,952,273 recites all the claimed structure except for the machine housing mounted on a substantially vertical wall surface. Yamamoto *et al.* teaches mounting an image processing apparatus on a vertical wall as shown in Figure 1 of Yamamoto *et al.* It would have been obvious to combine the teaching of Yamamoto *et al.* with the image processing apparatus disclosed by claim 6 of U.S. Patent No. 6,952,273 for the advantage of saving desk space or floor space by mounting the apparatus on a wall.

4. Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,952,289 in view of Yamamoto *et al.* (JP 5-344261).

Claim 2 of U.S. Patent No. 6,952,289 recites all the claimed structure except for the machine housing mounted on a substantially vertical wall surface. Yamamoto *et al.* teaches mounting an image processing apparatus on a vertical wall as shown in Figure 1 of Yamamoto *et al.* It would have been obvious to combine the teaching of Yamamoto *et al.* with the image processing apparatus disclosed by claim 2 of U.S. Patent No. 6,952,289 for the advantage of saving desk space or floor space by mounting the apparatus on a wall.

Allowable Subject Matter

5. Claims 2-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 1-16 would be allowable if applicant were to file terminal disclaimers to overcome the above double patenting rejections, set forth in this Office action.

7. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-16 have been indicated as containing allowable subject matter primarily for the printing elements being arranged on an excess surface projecting laterally from the head case such that the printing elements are mounted in a row extending in the same direction as the row of light receiving elements. It is noted that while Japanese Patent No. 6-70090 (as shown in Figure 9 of JP 6-70090) discloses printing elements arranged on an excess surface of a substrate projecting laterally from a head case, these printing elements are not extending in the same direction as the row of light receiving elements.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Imamura *et al.* is cited to show an example of a combined read/write head in an image processing apparatus.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Colilla whose telephone number is 571-272-2157. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 14, 2006



Daniel J. Colilla
Primary Examiner
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